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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
POLTORAK, PIOTR	
ART UNIT	PAPER NUMBER
2134	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/876,568	CA ET AL.
	Examiner	Art Unit
	Peter Poltorak	2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 September 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *32* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-32 have been examined.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 11, 16, 21 and 30 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter that was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.
3. Claims 11, 16, 21 and 30 refer to performing a step if "said network connection is disconnected by an unauthorized user". However, the specification do not provide information on how the particular authorization of users is determined, especially since disconnecting a device from the network does not need to involve action performed on the device (cutting a cable for example).

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 2, 13, 18, 23 and 31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that applicant regards as the invention.
5. The "*volume* of said device" in claims 2, 13, 18 and 22 is ambiguous. In light of the specification the examiner considers the term to apply to a speaker volume. However, the expression should clearly identify the object of volume, since in the art a volume predominantly relates to a disk or a tape.
6. Claim 31 recites an article of manufacture, but then further attempts to limit the claim by the function of the apparatus *(computer readable program code means).*

   The examiner suggests rewriting the limitation

   - code means comprising: a step to monitor said network connection; and a step to generate an alarm ...-

   to

   "code means implementing providing network connection monitoring; and generating an alarm..."

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1,5 and 9-10 are rejected under 35 U.S.C. 102(b) as being anticipated by *Mosley et al. (U.S. Patent No. 5630058)*.
8. As per claim 1 *Mosley et al.* teach monitoring a device network connection and generating an alarm when said device is disconnected *(col. 2 lines 19-27 and Abstract lines 1-3)*.
9. As per claim 5 *Mosley et al.* teach that monitoring functions are controlled from the host PC workstations *(col. 2 lines 21-39)* thus it is implicit that the system must be configured *(e.g. configure the monitoring device with information where it should send alerts when specific conditions are met)*. As a result it is implicit that said monitoring step is manually activated by a user.
10. As per claims 9 and 10 the monitoring in *Mosley et al.'s* teaching include receiving a signal from a remote device and polling one or more local network ports on said device *(col. 3 line 55-col.4 line 28)*.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

11. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Mosley et al. (U.S. Patent No. 5630058)* in view of *Pearce et al. (U.S. Patent No.5805880).*

12. *Mosley et al.* teach monitoring a network connection as discussed above.

13. *Mosley et al.* do not teach preventing a volume of said device from being reduced below a predefined minimum level nor do they teach said device from being turned off.

14. *Pearce et al.* teaches an application controlling various security operations such as control of speaker volume *(col. 3 lines 45-49).*

15. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement control of speaker volume as taught by *Pearce et al.* in order to prevent users from changing speaker volume. One of ordinary skill in the art would have been motivated to perform such a modification in order to assure that the speaker volume of said device is not reduced below a predefined minimum level so that one could not prevent drawing appropriate attention to the attempt of theft and so that any attempt is quickly noticed.

16. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Mosley et al. (U.S. Patent No. 5630058)* in view of *Minasi (Mark Minasi, "Mastering Windows NT Server 4, 6th edition, 1999, ISBN: 0782124453)*

17. *Mosley et al.* teach monitoring a network connection as discussed above.

18. *Mosley et al.* do not teach a step of preventing said device from being turned off.

19. *Minasi* teaches assigning rights to users that grant or deny access to certain objects *(resources)* such as turning off a device *(pg. 378 §3 and, shut down rights pg. 380, turning off a device in particular).*

20. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement *Minasi's* teaching preventing the turning off a device in order to prevent said devices from being turned off mistakenly and thereby causing false alarms.

21. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Mosley et al. (U.S. Patent No. 5630058)* in view of *Pearce (U.S. Patent No.6308272).*

22. *Mosley et al.* teach monitoring a network connection as discussed above.

23. *Mosley et al.* do not explicitly address how said monitoring step is activated.

24. As per claim 4 *Pearce* teaches monitoring that is set to activate automatically in a passive manner *(provide security during a selected period of time, col. 6 lines 61-68).*

25. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to configure monitoring being activated automatically in a passive manner as taught by *Pearce* in order to activate monitoring at times where the threat of theft is most likely to occur *(e.g. after work hours)* and in order to avoid false alarms *(avoid hours of scheduled network maintenance, re-configuration etc.).*

26. It is implicit that the period time is selected by the user who must manually configure and activate the system in order for monitoring to be automatically activated in passive manner, thus reading on claim 5.

27. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Mosley et al. (U.S. Patent No. 5630058)* in view of *Sobell (Mark G. Sobell, "A practical guide to the UNIX system, 3rd Edition, 1997, ISBN: 0805375651).*

28. *Mosley et al.* teach monitoring a network connection as discussed above.

29. *Mosley et al.* do not teach generating step being prevented by entering a password.

30. *Sobell* teaches using a password to perform administrative tasks *(login as the Superuser, pg. 493).*

31. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to use password as taught by Sobell in order to perform administrative tasks limited to authorized (administrative and supportive) staff. One of ordinary skill in the art would have been motivated to perform such a modification in order to be able to perform administrative tasks such as device relocations, troubleshooting, network upgrade etc. without triggering false alarms.

32. Claims 1, 7-10, 12, 17, 22, 26-29 and 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Cromer et al. (U.S. Patent No. 6021493)* in view of *Mosley et al. (U.S. Patent No. 5630058).*

33. As per claim 12 *Cromer et al.* teach sending a message to a second device connected to said network that will initiate a response *(col. 7 lines 31-49)* and

indicating that a device is not attached to said network if said response is not received within a predefined time interval *(col. 8 lines 24-40)*.

34. *Cromer at al.* do not teach generating an alarm if said response is not received within a predefined time interval.

35. *Mosley et al.* teach monitoring a network connection device and generating an alarm if said device is disconnected *(col. 2 lines 19-27 and Abstract lines 1-3)*.

36. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to generate an alarm as taught by *Mosley et al.* if said response is was received within a predefined time interval *(which would indicate that a said device is disconnected)* in order to alert a possible theft of a device.

37. Network communication in *Cromer et al.'s* teaching uses IP addresses and thus limitations of claims 10 and 29 are implicit.

38. Claims 1, 7-9, 17, 22, 26-28 and 31-32 are substantially equivalent to claim 12; therefore claims 17, 22 and 31-32 are similarly rejected.

39. Claims 14, 19 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Cromer et al. (U.S. Patent No. 6021493)* in view of *Mosley et al. (U.S. Patent No. 5630058)* and in further view of *Minasi* (*Mark Minasi, "Mastering Windows NT Server 4, 6th edition, 1999, ISBN: 0782124453)*

40. *Cromer et al.* in view of *Mosley* teach monitoring a network connection as discussed above.

41. *Cromer et al.* in view of *Mosley* do not teach a step of preventing said device from being turned off.

42. *Minasi* teaches assigning rights to users that grant or deny access to certain objects *(resources)* and turning off a device *(pg. 378 §3 and, shut down rights pg. 380, turning off a device in particular).*

43. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement *Minasi's* teaching into *Cromer et al.'s* invention in order to prevent said devices from being mistakenly turned off causing false alarms.

44. Claims 13, 18 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Cromer et al. (U.S. Patent No. 6021493)* in view of *Mosley et al. (U.S. Patent No. 5630058)* and in further view of *Pearce et al. (U.S. Patent No.5805880).*

45. *Cromer et al.* in view of *Mosley* teach monitoring a network connection as discussed above.

46. *Cromer et al.* in view of *Mosley* do not teach preventing a volume of said device from being reduced below a predefined minimum level nor do they teach said device from being turned off.

47. *Pearce et al.* teaches an application controlling various security operations such as control of speaker volume *(col. 3 lines 45-49).*

48. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement control of speaker volume as taught by *Pearce et al.* into *Cromer et al.'s* invention in order to prevent users from

changing the speaker volume. One of ordinary skill in the art would have been motivated to perform such a modification in order to assure that the speaker volume of said device was not reduced below a predefined minimum level that the alarm can draw attention when the specific condition is met *(a device is disconnected)*.

49. Claims 15, 20 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Cromer et al. (U.S. Patent No. 6021493)* in view of *Mosley et al. (U.S. Patent No. 5630058)* and in further view of *Sobell (Mark G. Sobell, "A practical guide to the UNIX system, 3rd Edition, 1997, ISBN: 0805375651).*

50. *Cromer et al.* in view of *Mosley* teach monitoring network connection as discussed above.

51. *Cromer et al.* in view of *Mosley* do not teach generating step being prevented by entering a password.

52. *Sobell* teaches using a password to perform administrative tasks *(login as the Superuser, pg. 493)*.

53. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to use a password as taught by Sobell into *Cromer et al.'s* invention in order to perform administrative tasks limited to authorized (administrative and supportive) staff. One of ordinary skill in the art would have been motivated to perform such a modification in order to be able to perform administrative tasks such as devices relocations, troubleshooting, network upgrade etc. without triggering false alarms.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Poltorak whose telephone number is (703) 305-0719. The examiner can normally be reached Monday through Thursday from 9:00 a.m. to 4:00 p.m. and alternate Fridays from 9:00 a.m. to 3:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on (703) 308-4789. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Signature

9/28/04

Date

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